Government of Kerala
1981

Reg. No. KL/TV(N)/12

KERALA GAZETTE

EXTRAORDINARY

PUBLISHED BY AUTHORITY

Vol. XXVI] Trivandrum, Monday, 23rd March 1981 / 2nd Chaithra 1903 [No. 227

SECRETARIAT OF THE KERALA LEGISLATURE

NOTIFICATION

No. 2830/LA4A/81. *Dated, Trivandrum, 23rd March, 1981.*

The Kerala Children (Amendment) Bill, 1981 together with the Statement of Objects and Reasons and the Financial Memorandum is published, under Rule 69 of the Rules of Procedure and Conduct of Business in the Kerala Legislative Assembly.

DR. R. PRASANNAN,
Secretary,
Legislative Assembly.

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1981

33/1085/MC.

Sixth Kerala Legislative Assembly
Bill No. 73

THE KERALA CHILDREN (AMENDMENT) BILL, 1981

A

BILL

further to amend the Kerala Children Act, 1972.

Preamble.—WHEREAS it is expedient further to amend the Kerala Children Act, 1972, for the purpose hereinafter appearing;

BE it enacted in the Thirty-second Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Kerala Children (Amendment) Act, 1981.

2. *Omission of section* 24.—Section 24 of Kerala Children Act, 1972 (3 of 1973), shall be omitted.

STATEMENT OF OBJECTS AND REASONS

According to section 24 of the Kerala Children Act, 1972, any police officer not below the rank of Sub-Inspector, can let off a delinquent child after administering suitable warning, in case the offence reported or suspected to have been done by the child is not of a serious nature or is not a repetition of a previous offence already committed by such child.

2. The Government of India had pointed out that the power conferred on police officers by the said section may not be exercised sensitively, and may dilute the very purpose of the Act. They had also suggested that necessary steps might be taken to review the provision. In the light of the suggestion of the Government of India, it is proposed to omit section 24 of the Kerala Children Act, 1972. The Bill is intended for this purpose.

FINANCIAL MEMORANDUM

The Bill, if enacted and brought into operation, would not involve any expenditure from the Consolidated Fund of the State.

T. K. RAMAKRISHNAN,

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Government of Kerala
1981

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REPORT OF THE SUBJECT COMMITTEE

ON

THE KERALA LAND REFORMS (SECOND AMENDMENT)

BILL, 1980

AND

THE BILL AS REPORTED BY THE SUBJECT COMMITTEE

PRINTED AND PUBLISHED BY THE S. G. P. AT THE GOVERNMENT PRESS, TRIVANDRUM, 1981.

33/1086/MC.

THE KERALA LAND REFORMS (SECOND AMENDMENT) BILL, 1980

(Report of the Subject Committee)

Subject Committee II—Land Revenue, Forests and Fisheries to which the Kerala Land Reforms (Second Amendment) Bill, 1980 was referred, have considered the Bill clause by clause and now submit this, their report with the Bill as reported by the Committee annexed thereto.

2. The Kerala Land Reforms (Second Amendment) Bill, 1980 was published as a Gazette Extraordinary dated July, 14, 1980. The Bill was introduced in the Assembly on March 2. 1981 and was referred to the Subject Committee on March 5, 1981.

3. The Committee considered the Bill clause by clause at their sitting held on March 10, 1981.

4. The Committee recommended to adopt the Bill with the modifications as shown hereunder:—

(i) In the Preamble of the Bill, the words 'Thirty-second' shall be substituted for the words 'Thirty-first'.

(ii) The word 'Second' in line two in the short title and commencement of the Bill shall be deleted. The figures '1981' shall be substituted for the figures '1980'.

(iii) In clause 3 of the Bill, in sub-section (2) proposed to be inserted, insert the word 'a' in between the words 'In the case of' and 'holding'.

(iv) (1) In clause 6 of the Bill, in sub-clause (a) in line two, for the words 'one thousand rupees' the words 'one thousand and five hundred rupees' shall be substituted.

(2) In sub-clause (b), in line two, for the words 'four thousand rupees' the words 'five thousand rupees' shall be substituted.

P. S. SREENIVASAN,

Chairman,

Subject Committee—II.

33/1086/MC.

THE KERALA LAND REFORMS (SECOND AMENDMENT) BILL, 1980

(As reported by the Subject Committee)

(Words underlined indicate the changes suggested by the Committee. Asterisks indicate omissions).

A

BILL

further to amend the Kerala Land Reforms Act, 1963.

Preamble.—WHEREAS it is expedient further to amend the Kerala Land Reforms Act, 1963, for the purposes hereinafter appearing;

BE it enacted in the Thirty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*—(1) This Act may be called the Kerala Land Reforms (*** Amendment) Act, 1981.

(2) Sections 2 to 5 (both inclusive) shall be deemed to have come into force on the 1st day of January, 1970 and the remaining provisions of this Act shall come into force at once.

2. *Insertion of new section* 72QQ.—After section 72Q of the Kerala Land Reforms Act, 1963 (1 of 1964) (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

"72QQ. *Cultivating tenant not liable to pay rent if resumption application is rejected.*—Notwithstanding anything contained in any law for the time being in force, or in any contract, custom or usage, or in any judgment, decree or order of any court or Land Tribunal in the case of a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall not be liable to pay any rent for such holding or part of the holding, as the case may be, with effect on and from the date notified under sub-section (1) of section 72.".

3. *Amendment of Section* 72S.—Section 72S of the principal Act shall be re-numbered as sub-section (1) of that section and,

after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) In the case of a holding or part of a holding in respect of which an application for resumption under the provisions of this Act is rejected, the cultivating tenant shall be liable to pay the basic tax and other taxes and cesses in respect of such holding or part of the holding, as the case may be, with effect on and from the date notified under sub-section (1) of section 72.".

4. *Amendment of section* 84.—In section 84 of the principal Act, after the proviso to sub-section (1A), the following *Explanation* shall be inserted, namely:—

"*Explanation.*—For the purposes of clause (b), a land shall be deemed to have been assigned on registry if the purchase price payable for the assignment of that land or the first instalment thereof has been deposited as required by the rules made under this Act.".

5. *Amendment of section* 85.—In section 85 of the principal Act, after sub-section (6), the following sub-section shall be inserted, namely:—

"(6A) For the removal of doubts it is hereby declared that proceedings for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family shall not abate on the death of that adult unmarried person or, as the case may be, the sole surviving member of that family where it consists of only one person, or the member of that family who filed the statement under this section or under section 85A in the case of any other family, but shall be continued against the legal representatives of such adult unmarried person or sole surviving member or the remaining member or members of such family, as the case may be, and such legal representatives or remaining member or members shall be bound to surrender the same extent of land as such adult unmarried person or sole surviving member or such family would have been liable to surrender, if such adult unmarried person or sole surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extent and other particulars of the land.".

6. *Amendment of section* 109A.—In sub-section (1) of section 109A of the principal Act,—

(a) in the first proviso, for the words "five hundred rupees", the words "one thousand five hundred rupees" shall be substituted.

(b) in the second proviso, in clause (a), for the words "two thousand rupees", the words "five thousand rupees" shall be substituted.

7. *Transitory provisions.*—Notwithstanding anything contained in any judgment, decree or order of any court or other authority, where any proceeding for the determination of the extent and other particulars of any land, the ownership or possession or both of which is or are to be surrendered by an adult unmarried person or a family has been discontinued on the ground that such adult unmarried person or the sole surviving member of the family in the case of a family having only one member, or the person who filed the statement under section 85 or under section 85A in the case of any other family, has died before such determination, the Land Board or the Taluk Land Board, as the case may be, shall, within a period of one year from the commencement of this Act, restore to file such proceeding and continue the same impleading the legal representatives of such adult unmarried person or sole surviving member or the remaining member or members of that family, as the case may be, and such legal representatives or as the case may be, the remaining member or members shall be bound to surrender the same extend of land as such adult unmarried person or sole surviving member or the family, as the case may be would have been liable to surrender if such adult unmarried person or sole surviving member or the person who filed such statement, as the case may be, were alive on the date of determination of the extend and other particulars of the land:

Provided that nothing contained in this section shall be deemed to affect a *bonafide* purchaser for consideration of any land from such legal representatives or the remaining member or members of such family.

Secretariat of the Kerala
Legislature, Trivandrum,
March 23, 1981.

Dr. R. PRASANNAN,
Secretary.